

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NEWSPAPER, NEWSPRINT,
MAGAZINE AND FILM DELIVERY
DRIVERS, HELPERS, AND
HANDLERS, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,
LOCAL UNION NO. 211,

Plaintiff,

v.

PG PUBLISHING CO., INC. d/b/a
PITTSBURGH POST GAZETTE,

Defendant.

Civil Action No. 2:19-cv-1472

Judge J. Nicholas Ranjan

DEFENDANT'S MOTION TO STAY PENDING APPEAL

Defendant Pittsburgh Post-Gazette ("Post-Gazette"), through its undersigned counsel, moves pursuant to FED. R. CIV. P. 62(c) to stay pending appeal this Court's November 27, 2019 Order [ECF No. 20] which granted plaintiff Newspaper, Newsprint, Magazine and Film Delivery Drivers, Helpers, and Handlers, International Brotherhood of Teamsters, Local Union No. 211's ("Union") motion for preliminary injunction because:

1. the injunction interferes with the Post-Gazette's rights under the National Labor Relations Act and is subject to *Garmon* preemption;
2. the injunction appears to be prohibited by the Norris-LaGuardia Act;
3. the injunction is based on an unwarranted extension of the Third Circuit's decision in *Luden's Inc. v. Local Union No. 6*, 28 F.3d 347 (3dCir. 1994); and
4. the scope of the injunction is unclear.

The Post-Gazette requests the stay be entered retroactive to the effective date of the Court's Order. Pursuant to 28 U.S.C. § 1292(a)(1), the Post-Gazette will file a notice of appeal

to the United States Court of Appeals for the Third Circuit after the Court's disposition of this motion to stay.

This motion is supported by a brief, proposed order and the Declaration of Richard C. Lowe, Esquire, attached as Exhibit A.

WHEREFORE, the Post-Gazette respectfully requests the Court stay its November 27, 2019 Order [ECF No. 20] pending appeal, retroactive to the effective date of the Court's Order.

Respectfully submitted,

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Attorneys for Defendant

Dated: December 2, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December 2019 a true and correct copy of the foregoing Defendant's Motion to Stay Pending Appeal was served and filed using the Western District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon the following counsel of record:

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